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Attorney for Plaintiff  
 Weiming JIANG

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

Weiming JIANG

Plaintiff

vs.

MICHAEL CHERTOFF, Secretary of the  
 Department of Homeland Security;  
 ROBERT S. MUELLER, Director of Federal  
 Bureau of Investigation

Defendants.

Case No.:

**COMPLAINT FOR WRIT IN THE  
 NATURE OF MANDAMUS**

"Immigration Case"

Plaintiff Weiming JIANG, by and through her undersigned attorney, sues Defendants and states as follows:

1. This action is brought against the Defendants to compel action on the Application for Naturalization,, or Form N-400, by Plaintiff Weiming JIANG, properly filed by the Plaintiff. The N-400 application remains within the jurisdiction of the Defendants, who have improperly withheld action on said application to Plaintiff's detriments.

**PARTIES**

2. Plaintiff Weiming JIANG is a U.S. Permanent Resident. His Form N-400, Application for Naturalization, was received by the U.S.C.I.S. on June 27, 2006 (**Exhibit 1: Receipt Notice and Fingerprint Notice**) and is seeking to become a U.S. Citizen.

3. Defendant Michael Chertoff is the Secretary of the Department of Homeland Security (DHS), and this action is brought against him in his official capacity. He is generally charged with enforcement of the Immigration and Nationality Act, and is further authorized to delegate such powers and authority to subordinate employees of the DHS 8 U.S.C. 1103(a); 8 C.F.R. 2.1.

4. Defendant Robert S. Mueller, III, is Director of the Federal Bureau of Investigations (FBI), the law enforcement agency that conducts security clearances for other U.S. government agencies, such as the Department of State. As will be shown, Defendant has failed to complete the security clearances on Plaintiff's case.

### JURISDICTION

5. Jurisdiction in this case is proper under 28 USC §§1331 and 1361, 5 USC §701 *et seq.*, and 28 USC §2201 *et seq.* Relief is requested pursuant to said statutes.

### VENUE

6. Venue is proper in this court, pursuant to 28 USC §1391(e), in that this is an action against officers and agencies of the United States in their official capacities, brought in the District where the Plaintiff reside if no real property is involved in the action.

### EXHAUSTION OF REMEDIES

7. Plaintiff has exhausted his administrative remedies.

### CAUSE OF ACTION

8. Plaintiff Weiming JIANG is a U.S. Permanent Resident. His Form N-400, Application for Naturalization, was received by the U.S.C.I.S. on June 27, 2006 and he had his fingerprint taken on July 20, 2006 (**Exhibit 1: Receipt Notice and Fingerprint Notice**). Plaintiff Weiming JIANG's N-400 application has now remained pending for almost 19 months from the date of the filing.

9. Defendants' refusal to act in this case is, as a matter of law, arbitrary and not in accordance with the law. Defendants unreasonably have delayed in and have refused to adjudicate Plaintiff's N-400 application for almost 19 months from the date of filing, thereby depriving Plaintiff of the rights to the decision on his application and the peace of mind to which Plaintiff is entitled.

10 Plaintiff has been damaged by the failure of Defendants to act in accord with their duties under the law.

(a) Plaintiff Weiming JIANG has been damaged by simply being deprived of the adjudication of his Application for Naturalization for almost 19 months. Plaintiff has also been unable to plan any foreign travel or pursue a future course of action

1 in the United States due to the pendency of his N-400 application.

2 (b) Plaintiff has also been damaged in that his immigration petition for his parents and  
3 siblings are being indefinitely delayed.

4 (c) Plaintiff has been further damaged that he is unable to vote and unable to work for  
5 the federal government.

6 11 The Defendants, in violation of the Administrative Procedures Act and Mandamus Act, 5  
7 USC §701 *et seq.*, are unlawfully withholding or unreasonably delaying action on Plaintiff's N-  
8 400 application and have failed to carry out the adjudicative functions delegated to them by law  
9 with regard to Plaintiff's case.

10 **PRAYER**

11 13. WHEREFORE, in view of the arguments and authority noted herein, Plaintiff  
12 respectfully prays that the Defendants be cited to appear herein and that, upon due consideration,  
13 the Court enter an order:

14 (a) requiring Defendants to expeditiously complete Plaintiff Weiming JIANG's FBI  
15 Security Check for his N-400 application, if his name check has not been completed;


16 (b) requiring Defendants to expeditiously process Plaintiff's N-400 Application to  
17 conclusion;

18 (c) awarding Plaintiff reasonable attorney's fees under the Equal Access to Justice Act;  
19 and

20 (d) granting such other relief at law and in equity as justice may require.

21 Dated: January 15, 2008

Respectfully submitted,

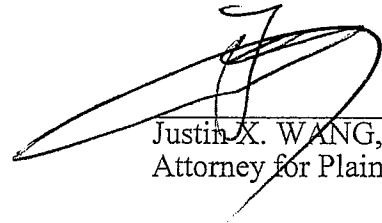
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25 Justin X. WANG, Esq.  
26 Attorney for Plaintiff  
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**CERTIFICATION OF INTERESTED ENTITIES OR PERSON**

Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the named parties, there is no such interest to report.

Dated: January 15, 2008

Respectfully submitted,

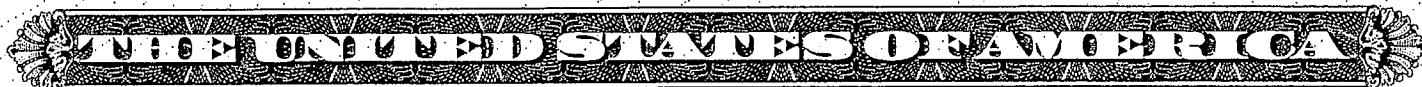


Justin X. WANG, Esq.  
Attorney for Plaintiff

LIST OF ATTACHMENTS

<i>Exhibit</i>	<i>Description</i>
1	Receipt Notice and Fingerprint Notice

Ex. 1



Receipt			NOTICE DATE July 10, 2006
CASE TYPE N400 Application For Naturalization			USCIS A# A 077 837 370
APPLICATION NUMBER WSC*001541533	RECEIVED DATE June 27, 2006	PRIORITY DATE June 27, 2006	PAGE 1 of 1
APPLICANT NAME AND MAILING ADDRESS WEIMING JIANG 72 FRESNO ST A SAN FRANCISCO CA 94133		PAYMENT INFORMATION: Single Application Fee: \$400.00 Total Amount Received: \$400.00 Total Balance Due: \$0.00	
<p>The above application has been received by our office and is in process. Our records indicate your personal information is as follows:</p> <p>Date of Birth: July 10, 1967 Address Where You Live: 72 FRESNO ST A SAN FRANCISCO CA 94133</p> <p>Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.</p> <p>You will be notified of the date and place of your interview when you have been scheduled by the local USCIS office. You should expect to be notified within 460 days of this notice.</p>			
<p>If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.</p> <p>If you have other questions about possible immigration benefits and services, filing information, or USCIS forms, please call the USCIS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.</p> <p>If you have access to the Internet, you can also visit USCIS at <a href="http://www.uscis.gov">www.uscis.gov</a>. Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.</p>			
USCIS Office Address: U.S. CITIZENSHIP AND IMMIGRATION SERVICES CALIFORNIA SERVICE CENTER P.O BOX 10400 LAGUNA NIGUEL CA 92607-		USCIS Customer Service Number: (800) 375-5283	
WSC001651066		APPLICANT COPY	





Fingerprint Notification			NOTICE DATE July 11, 2006
CASE TYPE N400 Application For Naturalization			USCIS A# A 077 837 370
APPLICATION NUMBER WSC*001541533	RECEIVED DATE June 27, 2006	PRIORITY DATE June 27, 2006	PAGE 1 of 1
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p>APPLICANT NAME AND MAILING ADDRESS WEIMING JIANG 72 FRESNO ST. A. SAN FRANCISCO CA 94133</p> <p>BIOMETRICS PROCESSING STAMP ASC SITE CODE: <u>KTD</u> BIOMETRICS QA REVIEW BY: <u>[Signature]</u> ON <u>JUL 20 2006</u></p> <p>TENPRINTS QA REVIEW BY: <u>[Signature]</u> ON <u>JUL 20 2006</u></p> </div> <div style="width: 35%; text-align: center;">  </div> </div>			
<p>To process your application, USCIS must take your fingerprints and have them cleared by the FBI. <b>PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.</b> If you are unable to do so, complete the bottom of this notice and return the entire original notice to the address below. <b>RESCHEDULING YOUR APPOINTMENT WILL DELAY YOUR APPLICATION. IF YOU FAIL TO APPEAR AS SCHEDULED BELOW OR FAIL TO REQUEST RESCHEDULING, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.</b></p>			
APPLICATION SUPPORT CENTER CIS SAN FRANCISCO 250 BROADWAY STREET SAN FRANCISCO CA 94111		DATE AND TIME OF APPOINTMENT 07/20/2006 11:00 AM	
<p><b>WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:</b></p> <ol style="list-style-type: none"> <li><b>THIS APPOINTMENT NOTICE</b> and</li> <li><b>PHOTO IDENTIFICATION.</b> Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you will not be fingerprinted.</li> </ol>			
<p><b>PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.</b></p>			
<p><b>REQUEST FOR RESCHEDULING</b></p>			
<p>Please reschedule my appointment for the next available: <input type="checkbox"/> Wednesday afternoon <input type="checkbox"/> Saturday afternoon</p> <p>USCIS cannot guarantee the day preferred, but will do so to the extent possible. Upon receipt of your request, you will be provided a new appointment notice. Please mail your request to:</p> <p>CIS SAN FRANCISCO 250 BROADWAY STREET SAN FRANCISCO CA 94111</p>			
<p>If you have any questions regarding this notice, please call 1-800-375-5283.</p> <p>APPLICATION NUMBER WSC*001541533</p>		<p>APPLICANT COPY</p> 	
<p><b>WARNING!</b></p> <p><i>Due to limited seating availability in our lobby areas, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.</i></p>			